

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

ART OF LIVING FOUNDATION,	)	Case No.: 10-CV-05022-LHK
	)	
Plaintiff,	)	ORDER SETTING BRIEFING
v.	)	SCHEDULE AND HEARING ON
	)	DEFENDANTS' MOTION FOR RELIEF
DOES 1-10.,	)	FROM NONDISPOSITIVE PRETRIAL
	)	ORDER
Defendants.	)	
<hr/>		(re: dkt. #92)

On August 10, 2011, the Honorable Magistrate Judge Howard R. Lloyd issued an Order Granting in Part and Denying in Part Defendants Klim and Skywalker's Motion to Quash ("August 10, 2011 Order"). *See* Dkt. # 90. On August 24, 2011, Defendants filed a timely Motion for Relief from Non-Dispositive Pretrial Order of Magistrate Judge Re: Motion to Quash ("Motion for Relief"). *See* Dkt. #92. In compliance with Civil Local Rule 72-2, Defendants limited their Motion for Relief to 5 pages. In brief, Defendant Skywalker objects to the August 10, 2011 Order in so far as it denies the motion to quash with respect to Skywalker's identity.

Civil Local Rule 72-2 provides:

Unless otherwise ordered by the assigned District Judge, no response must be filed and no hearing will be held concerning the motion. The District Judge may deny the motion by written order at any time, but may not grant it without first giving the opposing party an opportunity to respond. If no order denying the motion or setting a briefing schedule is made within 14 days of filing the motion, the motion shall be deemed denied.

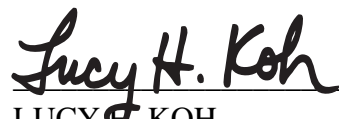
1 *See* Civ. L.R. 72-2. In light of the significant interests at stake in this action, including First  
2 Amendment rights and privacy rights balanced against allegations of copyright infringement and  
3 trade secrets violations, the undersigned finds that a briefing schedule and hearing are warranted.

4 Accordingly, the briefing schedule is as follows: Plaintiffs may file an opposition by  
5 Friday, September 16, 2011, and Defendants may file a reply by Friday, September 30, 2011. The  
6 opposition shall not exceed 20 pages, and shall respond to both Defendants' Motion for Relief and  
7 the brief of amici curiae.<sup>1</sup> Defendants' reply shall not exceed 10 pages. A hearing on Defendants'  
8 motion is set for Thursday, October 27, 2011 at 1:30 p.m. After briefing is complete, if  
9 appropriate, the Court may issue an order on the papers and vacate the hearing.

10 In the August 10, 2011 Order, Judge Lloyd ruled that the owners of the companies that host  
11 the blogs, and apparently have certain information to identify Defendants, "shall refrain from  
12 producing any subpoenaed information pending the resolution of any timely objection to this  
13 Court's order filed pursuant to Federal Rule of Civil Procedure 72(a) and 28 U.S.C. §  
14 636(b)(1)(A)." *See* August 10, 2011 Order at 9, ¶ 2. As noted above, Defendants have filed a  
15 timely objection. Pending the undersigned's resolution of Defendants' timely objection, Judge  
16 Lloyd's ruling that the blog owners "refrain from producing any subpoenaed information" remains  
17 in effect.

18 **IT IS SO ORDERED.**

19  
20 Dated: August 31, 2011



LUCY H. KOH  
United States District Judge

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27 <sup>1</sup> The Court notes that Public Citizen, the American Civil Liberties Union Foundation of  
28 Northern California, and Electronic Frontier Foundation have filed an administrative motion for  
leave to file a brief as amici curiae. *See* Dkt. #96. Although the Court is aware that the Local  
Rules allow 4 days to oppose administrative motions, the Court's tentative ruling is to grant the  
amici curiae motion.